

IC 31-33-1.5

Chapter 1.5. Department of Child Services

IC 31-33-1.5-1

"Department"

Sec. 1. As used in this article, "department" refers to the department of child services established by section 2 of this chapter.
As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-2

Department established; director

Sec. 2. (a) The department of child services is established.
(b) The governor shall appoint a director who is responsible for administering the department. The director:
(1) serves at the governor's pleasure; and
(2) is entitled to compensation set by the budget agency.
As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-3

Personnel

Sec. 3. The director may employ necessary personnel to carry out the department's responsibilities subject to:
(1) the budget agency's approval under IC 4-12-1-13; and
(2) IC 4-15-2.
As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-4

Department organization

Sec. 4. The director shall determine the best manner of organizing the department to provide the necessary services throughout Indiana to fulfill the purposes of this article.
As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-5

Child protection caseworker caseload reports

Sec. 5. One (1) time every three (3) months, the department shall submit a report to the budget committee and to the legislative council that provides data and statistical information regarding caseloads of child protection caseworkers. The report made to the legislative council must be in an electronic format under IC 5-14-6.
As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-5.5

Caseload limitations

Sec. 5.5. (a) This section applies after June 30, 2008.
(b) A child protection caseworker or a child welfare caseworker may not be assigned work that exceeds the following maximum caseload levels at any time:
(1) For caseworkers assigned only initial assessments, including investigations of an allegation of child abuse or neglect, twelve

(12) active cases per month per caseworker.

(2) For caseworkers assigned only ongoing cases, seventeen

(17) active children per caseworker.

(3) For caseworkers assigned a combination of initial assessments, including investigations of an allegation of child abuse or neglect, and ongoing cases under subdivisions (1) and (2), four (4) investigations and ten (10) active ongoing cases per caseworker.

(c) The department of child services shall comply with the maximum caseload ratios described in subsection (b).

As added by P.L.246-2005, SEC.214.

IC 31-33-1.5-6

Report requirements

Sec. 6. The report required under section 5 of this chapter must do the following:

(1) Indicate the department's progress in recruiting, training, and retaining caseworkers.

(2) Describe the methodology used to compute caseloads for each child protection caseworker.

(3) Indicate whether the statewide average caseloads for child protection caseworkers exceed the caseload standards established by the department.

(4) If the report indicates that average caseloads exceed caseload standards, include a written plan that indicates the steps that are being taken to reduce caseloads.

(5) Identify, describe, and, if appropriate, recommend best management practices and resources required to achieve effective and efficient delivery of child protection services.

As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-7

Department duties

Sec. 7. The department is responsible for the following:

(1) Providing child protection services under this article.

(2) Providing and administering child abuse and neglect prevention services.

(3) Providing and administering child services (as defined in IC 12-19-7-1).

(4) Providing and administering family services (as defined in IC 31-9-2-45).

(5) Providing family preservation services under IC 12-14-25.5.

(6) Regulating and licensing the following under IC 12-17.4:

(A) Child caring institutions.

(B) Foster family homes.

(C) Group homes.

(D) Child placing agencies.

(7) Administering the state's plan for the administration of Title IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).

(8) Administering foster care services.

(9) Administering independent living services (as described in 42 U.S.C. 677 et seq.).

(10) Administering adoption services.

As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-8

Child support bureau created

Sec. 8. (a) The child support bureau is created within the department of child services. The bureau is charged with the administration of Title IV-D of the federal Social Security Act.

(b) The state's plan for the administration of Title IV-D must comply with all provisions of state law and with the federal statutes and regulations governing the program.

As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-9

Child support bureau responsibilities; parent locator service

Sec. 9. (a) The bureau shall operate the state parent locator service. The bureau shall make all necessary requests and responses to the federal parent locator service and to the parent locator services of the other states.

(b) To carry out the bureau's responsibilities under this chapter, the bureau, through the parent locator service, may request information and assistance from a state, county, city, or town agency. Officers and employees of a state, county, city, or town agency shall cooperate with the bureau in determining the location of a parent who:

(1) owes child support; or

(2) has abandoned or deserted a child;

by providing the pertinent information relative to the location, income, and property of the parent, notwithstanding a statute making the information confidential.

(c) Notwithstanding a statute making the information confidential, each person doing business in Indiana shall provide the bureau or an agent of the bureau with the following information, if available, upon receipt of the certification described in subsection (d):

(1) Full name of the parent.

(2) Social Security number of the parent.

(3) Date of birth of the parent.

(4) Address of the parent's residence.

(5) Amount of wages earned by the parent.

(6) Number of dependents claimed by the parent on state and federal tax withholding forms.

(7) Name and address of the parent's employer.

(8) Name and address of any financial institution maintaining an account for the parent.

(9) Address of any real property owned by the parent.

(10) Name and address of the parent's health insurance carrier and health coverage policy number.

(d) The parent locator service shall certify that the information

requested in subsection (c) is for the purpose of locating a parent who owes child support or who has abandoned a child and that the information obtained is to be treated as confidential by the bureau and any other state to which the information is released.

(e) A business in Indiana and each unit of state and local government shall comply with an administrative subpoena issued by a Title IV-D agency in another jurisdiction. The information requested may not be provided unless the Title IV-D agency of the other jurisdiction certifies that the information will be treated as confidential. The business or unit of government shall provide the Title IV-D agency of the other jurisdiction with the information listed in subsection (c), if available, if requested in the subpoena, upon certification by the Title IV-D agency of the other jurisdiction that the information is for the purpose of locating a parent who owes child support or who has abandoned or deserted a child.

(f) A person may not knowingly refuse to give the bureau, the bureau's agents, or the Title IV-D agency of another jurisdiction the following:

(1) The name of a parent of a child for whom the state is providing public assistance.

(2) Information that may assist the parent locator service or other jurisdiction in locating the parent of a child.

(g) Information obtained under this section may not be used in a criminal prosecution against the informant.

(h) A person may not knowingly give the bureau or the Title IV-D agency of another jurisdiction the incorrect name of a parent of a child or knowingly give the parent locator service incorrect information on the parent's whereabouts for the purpose of concealing the identity of the real parent of the child or the location of the parent.

As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-10

Procurement agreements

Sec. 10. (a) The department may establish a program to procure any of the services described in section 7 of this chapter under a procurement agreement administered by the department. The department may enter into procurement agreements that cover the delivery of one (1) or more categories of services to all the counties in a region determined by the department. An agreement may provide for payment from state funds appropriated for the purpose or direct billing of services to the county receiving the service.

(b) If the department enters into a procurement agreement covering a county, the county, including the county's juvenile court, shall procure all services covered by the procurement agreement in accordance with the regional procurement agreement and the policies prescribed by the department. With the approval of the department, a county may use services from an alternate provider.

(c) The costs incurred under a procurement agreement shall be shared by the counties covered by the procurement agreement. The

department shall allocate the costs of a regional procurement agreement among the counties covered by the agreement in proportion to the use of the services by each county under the schedule prescribed by the department. A county shall pay the costs incurred under a procurement agreement from the:

(1) family and children's fund; or

(2) children's psychiatric residential treatment services fund;

as appropriate.

(d) If the department pays the costs incurred under a procurement contract from state funds appropriated for the purpose, the department shall present a claim for reimbursement to the appropriate county auditor. The county executive shall review and allow the full amount of the claim in the manner provided in IC 36-2-6.

As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-11

Rules

Sec. 11. The department may adopt rules under IC 4-22-2 necessary to carry out the department's or bureau's duties under this chapter.

As added by P.L.234-2005, SEC.95.

IC 31-33-1.5-12

Department as single state agency responsible for administering certain grants, funds, and programs

Sec. 12. The department is the single state agency responsible for administering the following:

(1) Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.

(2) Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.

(3) The federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106 et seq.

(4) The federal Social Services Block Grant under 42 U.S.C. 1397 et seq.

(5) Any other federal program that provides funds to states for services related to the prevention of child abuse and neglect, child welfare services, foster care, independent living, or adoption services.

As added by P.L.234-2005, SEC.95.